

APPENDIX B

STATEMENT OF PATRICK MUSSEAU

My name is Patrick Musseau. I am responsible for RCN's aerial and conduit licensing in New England. I have submitted testimony on these subjects to the Massachusetts Department of Telecommunications and Energy in its review of Verizon's section 271 application. My responsibilities include licensing utility pole attachments and conduit leases. I have been with RCN since 1997. Prior to that I have been employed by a variety of communications companies and have worked on outside plant matters for many years. As a result of this experience I am fully acquainted with the legal and industry codes which govern the attachment of telephone, cable, and other kinds of wiring to utility poles as well as with the general practice within the cable and telephone industries.

This Statement is given in connection with the October 16th, 2000 Opposition of RCN-BecoCom to Verizon's application for section 271 authority filed with the FCC, CC Docket No. 00-176. Boxing of poles is a long-standing and widely followed practice in the attachment of CLEC, cable, or similar wiring to existing utility poles. Boxing accelerates the attachment of wiring to a pole which is already carrying wiring because it permits the side of the pole opposite to that on which wiring is generally affixed to the pole to be used. I have attached to this Statement photographs of boxed poles and other Verizon attachment practices in Quincy, Canton and Norwood along with authenticating certificates from the photographer. While safety issues may have existed in prior periods when the poles had to be climbed by linemen and women, the practice in Massachusetts is now to rely on bucket trucks so that the craftspeople need not be concerned about the presence of wiring on both sides of a pole. Boxing does not constitute a

violation of any applicable code, including the Bellcore Blue Book, the NESC, or OSHA regulations.

It is true that boxing should be carried out only after individual poles have been inspected for structural adequacy because occasionally individual poles present circumstances in which boxing might impair the integrity of the pole. In my experience, however, this is a relatively rare circumstance and in any case is easily handled during the initial survey of the status of the target poles.

Because the poles in Quincy and many other communities in which RCN plans to operate are jointly owned by Verizon and Mass Electric, a degree of coordination is essential for RCN to gain access to the poles. In my negotiations with these utilities I have discovered that Verizon uses the need for Mass Electric's concurrence to various pole attachment practices as a method to delay RCN's entry into the market. For issues such as attaching in the safety space, for example, Verizon first claims that Mass Electric must concur in any such configuration. Mass Electric, however, is reluctant to agree if Verizon will not do so, and accordingly, upon RCN's inquiry, sends the matter back to Verizon. The latter then says, not to RCN's or anyone else's surprise, that it will not allow such access practices, leaving RCN where it started when the request was initially made, but in most cases weeks at least and sometimes months later facing a rejection.

If RCN were permitted to box the utility poles in Quincy, as others have already done, it would accelerate the construction of RCN's CLEC and cable distribution plant by a substantial factor, perhaps as much as reducing the necessary construction period by two thirds.

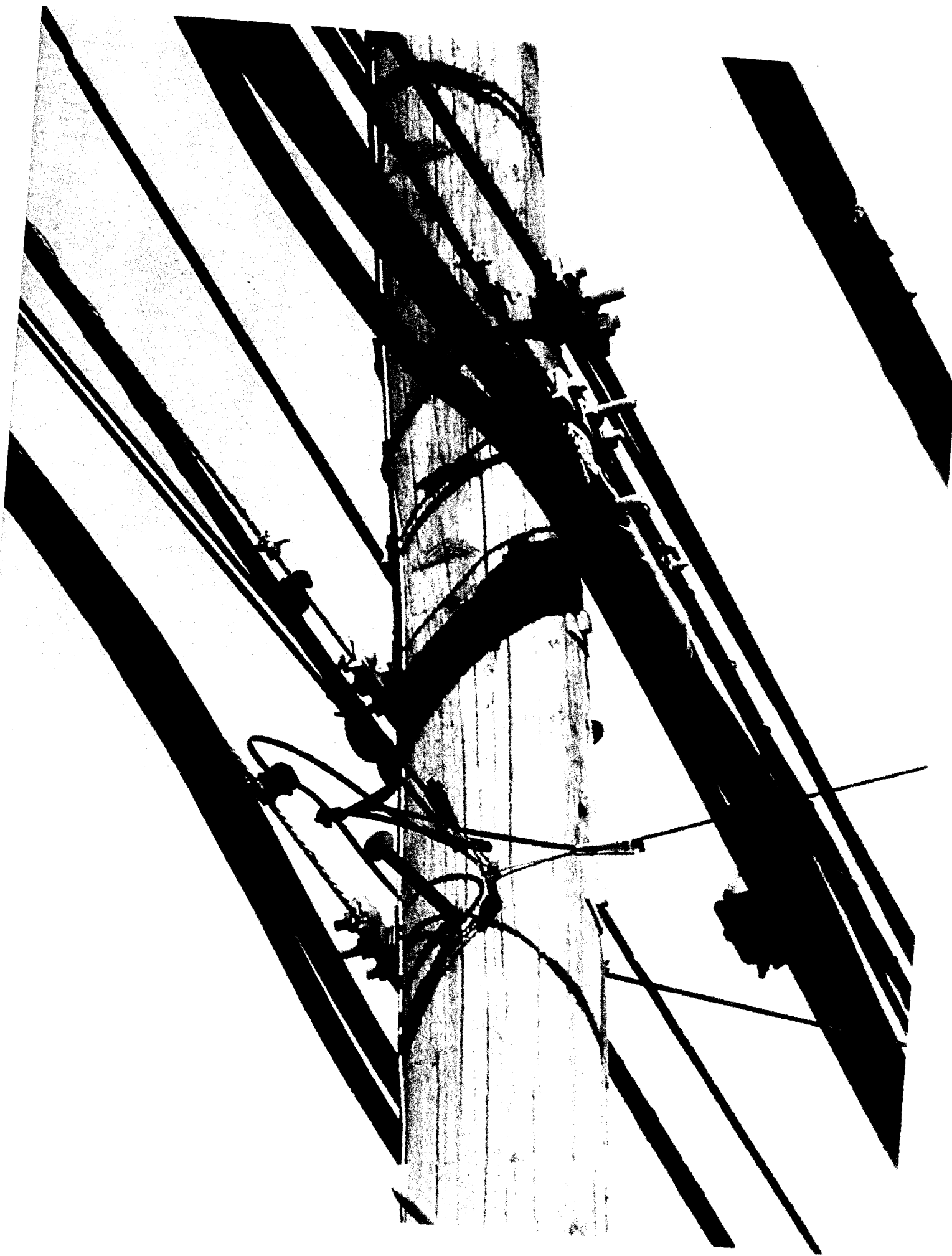
When it comes to Verizon's pro-competition stance, appearances can be deceiving. Verizon representatives can tell the Mayor of Quincy that Verizon will perform make-ready on only 95 poles out of some 9,500. Verizon can announce that it is ready to license RCN on 9,500 poles and appear highly pro-competitive. There is more to this story, however. Verizon knows full well that before RCN can actually attach to a jointly owned pole it must be fully licensed. The co-owner of the pole, Mass Electric, must sign off as well. More often than not there is electric, cable TV and CLEC make-ready involved (frequently caused by Verizon's refusal to lower its wire(s) on the pole) and Verizon is quite content to wait for completion of all make-ready before allowing RCN access to the communications space on the pole.

When Mass Electric sought to work with RCN to mitigate make-ready with an approach to the pole that might involve use of brackets or attachment ten inches above the communication space, Verizon simply said no. Verizon relies on a twenty year old joint pole ownership agreement (which is kept strictly confidential between the pole owning utilities) and uses it to stop Mass Electric in its tracks. Verizon will stand for only the strictest reading of the agreement and not allow for any changes or fresh interpretations based on amendments to the National Electric Safety Codes or as a concession to today's competitive marketplace. In fact Verizon contradicts it's own standards (Bluebook-Manual of Construction Procedures, Section 3, Figure 3-1) regarding boxing, and their approach of tying the electric utilities' hands while prohibiting boxing in the communications space can only be viewed as anti-competitive.



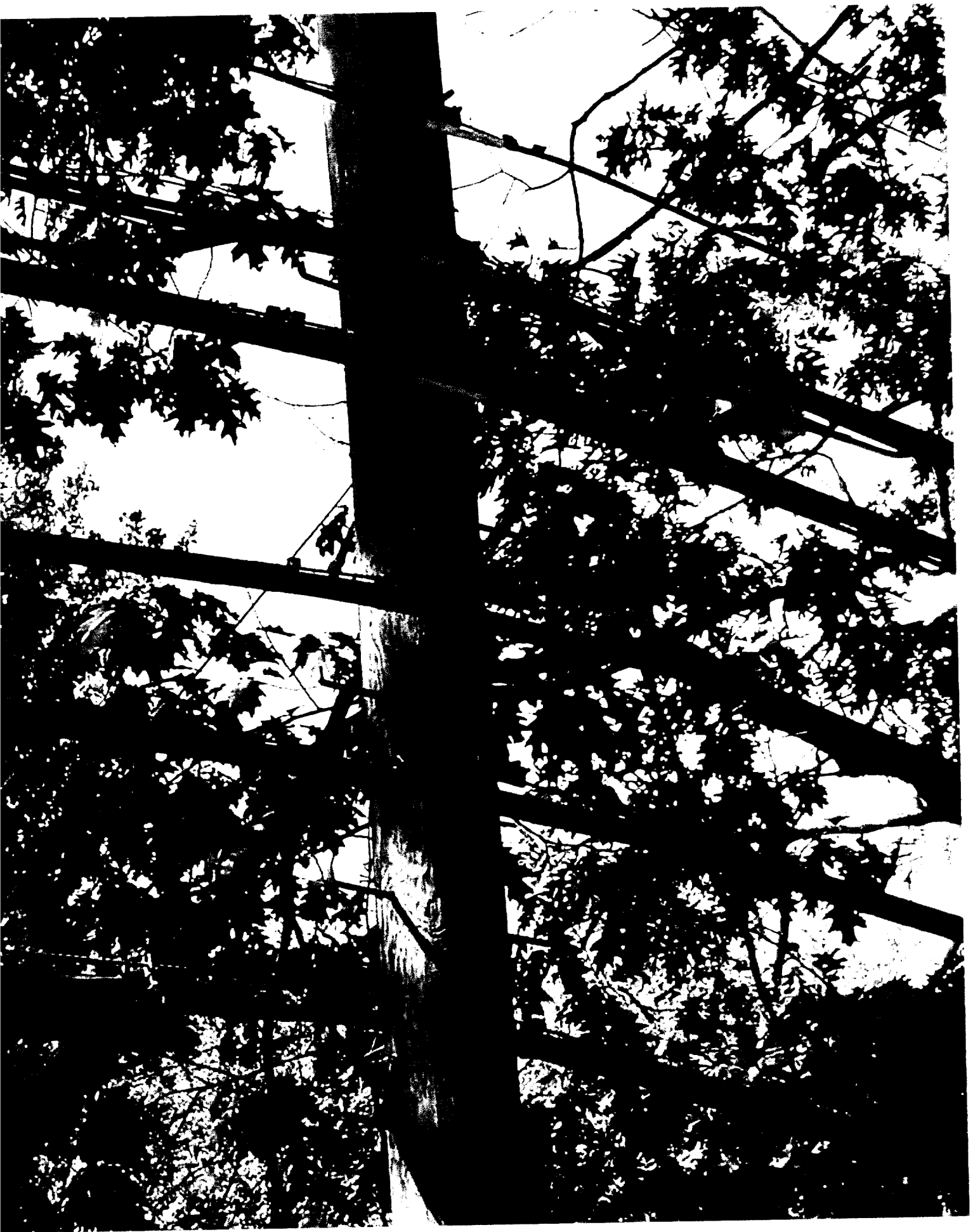


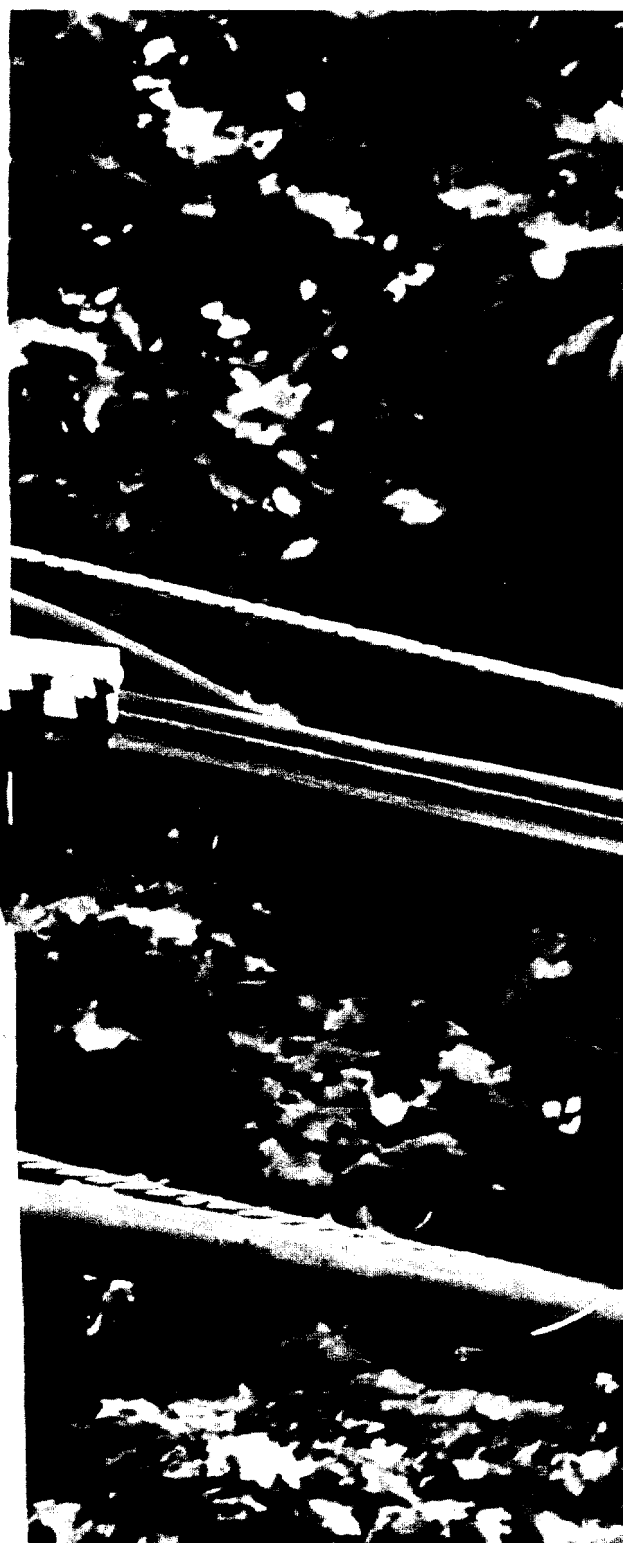








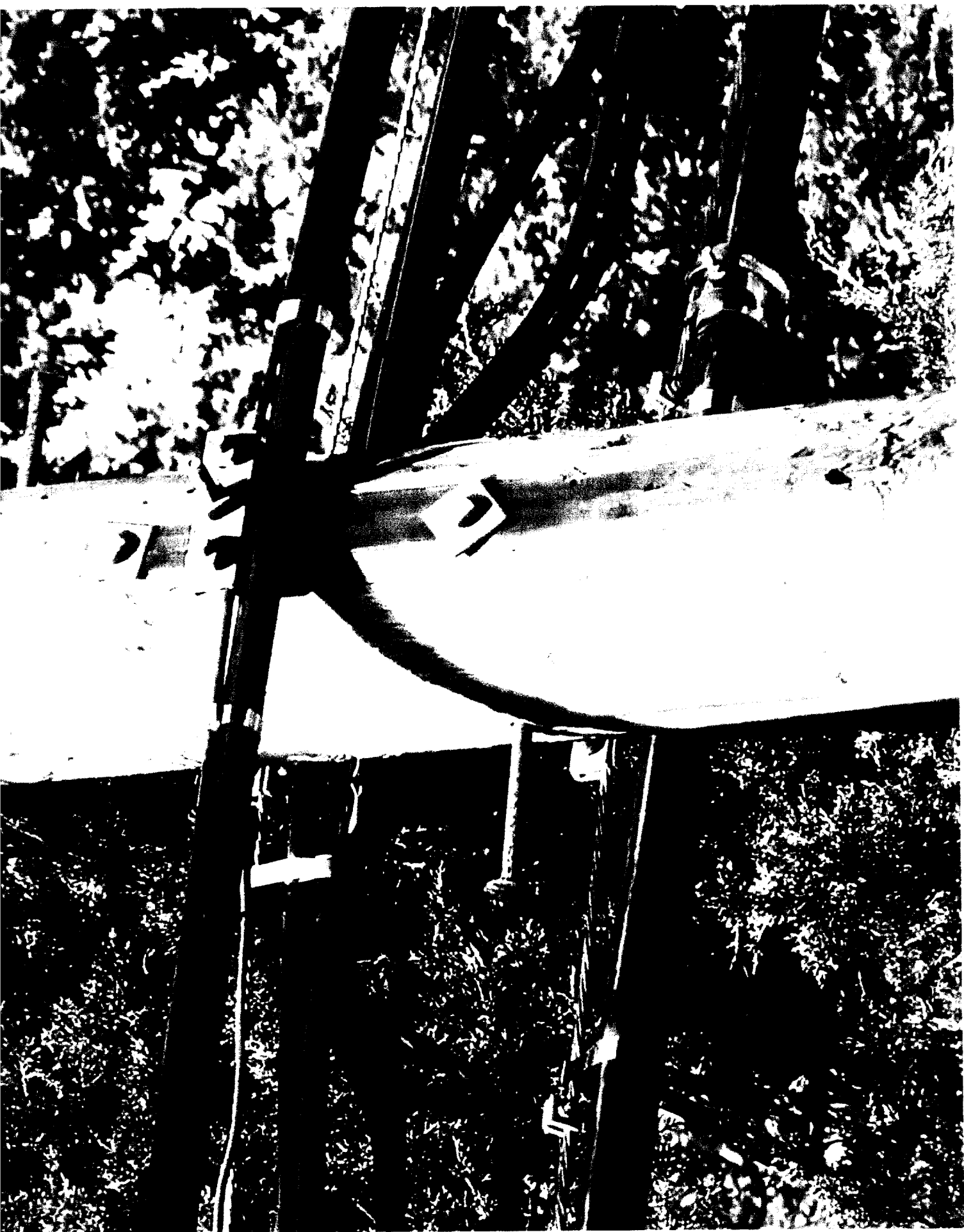






















AFFIDAVIT OF AUTHENTICITY

October 12, 2000

This is to verify the authenticity of a set of photographs taken by RECON for RCN.

Included are photos taken on 9/18/2000 and 9/20/2000 and are listed as follows:

Granite St, Pole #22
Granite St, Pole #17
Copeland St, Pole #14
Copeland St, Pole #15
Copeland St, Pole #29
Dedham St, Pole #28
Dedham St, Pole #30
Randolph St, Pole #13
Randolph St, Pole #14
Randolph St, Pole #15
Randolph St, Pole #18
Randolph St, Pole #21
Randolph St, Pole #24
Randolph St, Pole #30
Greenlodge St, Pole #12
Pleasant St, Pole #16

These photographs are true representations of their subjects and have not been altered.

For RECON

Rick McKenna

Photographer and Producer

STATEMENT OF RICK McKENNA

My name is Rick McKenna of RECON ENGINEERING VIDEOGRAPHY. I am contracted by RCN-BECoCom as the Engineering Videographer and photographer. The company has contracted me since 1998. My responsibilities include video and still image recording of plant conditions in the New England region.

This Statement is given in connection with the submission to the FCC of certain photographs, attached hereto, of Verizon-Massachusetts Electric jointly owned poles in the Cities of Quincy, Verizon-Becocom jointly owned poles in the City of Canton, Verizon-Norwood Municipal Light jointly owned poles in the City of Norwood. I am the person who photographed these poles, using a Sony MVC-FD95 digital camera with an internal 10X optical zoom. The photographs were taken between the hours of 9:00 a.m. and 5:00 p.m. on October 18 and 20, 2000. No special lenses or photographic techniques were employed to highlight or obscure any aspect of the photographic field. The following graph provides detail for the photographed poles.

<u>Pole Location</u>	<u>Pole Number</u>	<u>Town</u>
Granite Street	22	Quincy Ma
Granite Street	17	Quincy MA
Copeland Street	14	Quincy MA
Copeland Street	15	Quincy MA
Copeland Street	29	Quincy MA
Dedham Street	28	Canton MA
Dedham Street	30	Canton MA
Randolph Street	13	Canton MA
Randolph Street	15	Canton MA
Randolph Street	14	Canton MA
Randolph Street	18	Canton MA
Randolph Street	21	Canton MA
Randolph Street	24	Canton MA
Randolph Street	30	Canton MA
Greenlodge Street	12	Canton MA
Pleasant Street	16	Norwood MA

Under penalty of perjury I declare that the foregoing is true and correct to the best of my knowledge, information, and belief.

October 13, 2000


Rick McKenna

Pole Descriptions

City of Quincy, Massachusetts

Granite Street-Pole # 17

Description: This pole illustrates why boxing should be explored as a construction alternative to placing taller poles. There are eight existing communications cables (including Verizon with three attachments) attached to this pole. Already this pole is 45' feet and Verizon is mandating that it be changed to a 50' pole, just to make one foot of extra space required for RCN'' attachment. A change-out will involve coordination with the electric company, fire alarm, two different CLECs, the cable company and Verizon to move their attachments to the new pole prior to RCN being licensed (by both pole owners) to make our attachment.

If RCN were allowed to box this pole a change-out would NOT be necessary.

Granite Street-Pole # 22

Description: This pole illustrates a Verizon cable attachment placed on the street side of the pole, followed by a CLEC fiber optic located above. On the opposite side is another Verizon cable attachment with the CATV attachment located above placed on an extension bracket. Verizon itself boxed this pole and allowed the existing CATV to do so as well.

Copeland Street-Pole # 14

Description: This pole illustrates a Verizon cable attachment placed on the field side of the pole, followed by a CLEC fiber optic located above. On the street side is the existing CATV attachment with a CLEC fiber optic cable and the fire alarm attachment

Copeland Street-Pole # 15

Description: This pole illustrates a Verizon cable attachment placed on the field side of the pole, followed by a CLEC fiber optic located above. On the street side is the existing CATV attachment with a CLEC fiber optic cable and the fire alarm attachment.

Copeland Street-Pole #29

Description: This pole illustrates a Verizon cable attachment placed on the street side of the pole with the CATV attachment located on the field side of the pole.

Town of Canton, Massachusetts

Dedham Street-Pole #28

Description: This pole illustrates two Verizon cable attachments followed by a CLEC fiber optic placed on the street side of the pole. The field side of the pole has two Verizon attachments and the CATV attached.

Dedham Street-Pole # 30

Description: This pole illustrates a Verizon attachment on the field side of the pole. The street side of the pole has two Verizon attachments followed by two CATV attachments and a CLEC fiber optic cable.

Randolph Street-Pole #13

Description: The street side of the pole has one Verizon cable attached. The field side of the pole has a Verizon cable followed by a CATV attachment.

Randolph Street-Pole # 14

Description: The street side of the pole has one Verizon cable attached. The field side of the pole has a Verizon cable followed by a CATV attachment.

Randolph Street-Pole #15

Description: The street side of the pole has one Verizon cable attached. The field side of the pole has a Verizon cable followed by a CATV attachment.

Randolph Street-Pole #18

Description: This pole illustrates a Verizon cable attached to the street side with a Verizon cable followed by the CATV attachment on the field side.

NOTE: Distance between street side attachment and field side CATV attachment "Bolt holes" is less than 4" as recommended by Bellcore Bluebook.

Randolph Street-Pole #21

Description: This pole illustrates a Verizon cable attached to the street side with a Verizon cable followed by the CATV attachment on the field side.

Randolph Street-Pole #24

Description: This pole illustrates a CATV attachment on the street side of the pole, with a Verizon attachment followed by another CATV attachment on the field side of the pole.

Randolph Street-Pole #30

Description: This pole illustrates a Verizon attachment followed by a CATV attachment on the street side of the pole. The field side of the pole has a Verizon attachment.

Greenlodge Street-Pole # 12

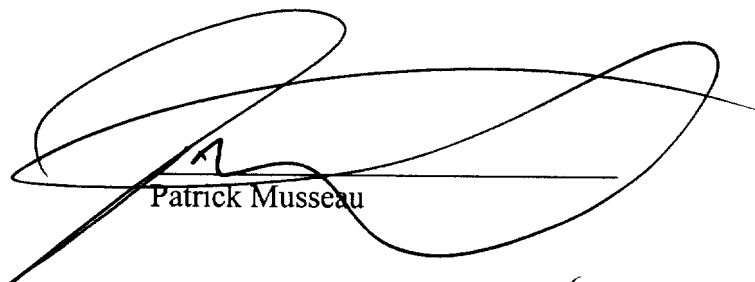
Description: This pole illustrates Verizon cables attached to an extension bracket.

Town of Norwood

Pleasant Street-Pole # 16

Description: This pole illustrates a Verizon frame attachment, followed by a Verizon cable attachment and the CATV attachment secondary on the street side of the pole. Attached to the field side of this pole is a Verizon cable. Please note that above the CATV attachment on the street side of the pole is an electric neutral wire and the electric secondary. According to NESC guidelines, communications cables must have a vertical separation from electric cables of not less than 30". In the case of this pole, all attachments are in violation of NESC guidelines.

I have reviewed the Opposition of RCN to which this Statement is appended. Under penalty of perjury I declare that its contents, insofar as the circumstances in Quincy and Verizon's pole attachment practices and policies are recited, and the additional facts alleged in this Statement, are true and correct to the best of my knowledge, information and belief.



Patrick Musseau

October 13, 2000